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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,645	04/09/2001	Kulbir S. Sandhu	M-9710 US	7663

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EXAMINER

ISSING, GREGORY C

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 05/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,645

Applicant(s)

SANDHU ET AL.

ES

Examiner

Gregory C. Issing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17 and 19-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17 and 19-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-3, 6-11, 14, 15, 17, 19-21, and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakuma in view of Kimoto et al.

Sakuma discloses a mobile communications system wherein a first mobile terminal PS1 requests and receives positional information of a second mobile terminal PS2 via a location database that stores the locations of the mobile terminals. The first mobile device requests location data of the second mobile terminal by sending a message that conveys the cell station ID number CS-ID, the self ID number PS-ID1 and the designated ID of the second terminal PS-ID2. Sakuma is alleged to differ from the claimed subject matter since the mobile terminals do not send a current location of the respective mobile terminals. The cell station ID is known in the art to provide location representation. In fact, the cell station ID is merely correlated to a look-up table at the database to provide longitude/latitude information. Thus, the transmission of cell station ID from a respective mobile terminal is deemed in itself to suggest transmission of current location. Additionally, Kimoto et al is cited as an exemplary teaching of the use of cell station ID as a form of position detection, see col. 36, lines 17-26 as well as lines 41-51. Kimoto et al also suggest alternative position identification information in the form of self determined GPS information. It is therefore deemed obvious to transmit current location from a plurality of mobile terminals to a location database wherein the current location includes cell station ID information, converted cell station ID information or GPS determined location in view of the teachings of Kimoto et al.

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Applicants argue that Sakuma fails to teach receiving, from first and second mobile terminals, respective current locations. This is not persuasive because the cell station ID that is transmitted by the mobile terminals is representative of the current location of the mobile terminals. This is based on the fact that in Sakuma the cell station ID is merely looked up in a table to provide longitude/latitude information – the ID directly corresponds to longitude/latitude data, it is merely in a different format and thus meets the scope of “current location”.

Additionally, Kimoto et al provide support for the statement that it is well-known that a cell ID is a form of position, provide support for the conversion of the cell ID to longitude/latitude data and provide support for the use of GPS to provide location data to a location database.

3. Claims 4, 5, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakuna in view of Kimoto et al and Schilit et al.

Sakuma in view of Kimoto et al teach the subject matter substantially as claimed as set forth above but fail to show the various groupings and exclusions of the response information. Schilit et al teach a mobile distributed computing system that enables groups of users to be provided with downloaded information in response to a single user request as well as the ability to selectively exclude users from being tracked. It would have been obvious to modify Sakuna by including a list of subscribers/users in the inquiry in order to provide location-based information to more than one member of a group in view of the teachings of Schilit et al.

Applicants argue for the patentability of the independent claims with regard to sending/receiving “current location of the first(second) mobile unit.” Therefore, the claims are grouped therewith and are not allowable for the same reasons as set forth above.

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4. Claims 1-11, 13-15, 17 and 19-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi (Japanese Document 2001-025054) in view of Holland.

Adachi (US Publication US2003/0013462 A1 is an English language equivalent of the Japanese document that was published January 26, 2001) discloses the method and apparatus for tracking a location of a second mobile unit from a first mobile unit substantially as claimed comprising mobile terminals (101, 102, 103) communication network (10, 105, 106, 107) and an administration station (108). Each mobile terminal determines position, using GPS, e.g., and modulates a transmit signal with the position data to the administration station. One of the mobile terminals requests position information of the other mobile terminals. Upon receiving a request, the administration station sends the position data of the other mobile stations to the requesting mobile station. Adachi differs from the claimed subject matter since a database is not specified at the administration station. Holland discloses a method and apparatus for tracking a mobile terminal 12 wherein a plurality of mobile terminals send their positions to a server computer 38 which stores the location in a database 44 as is well-known in the art, see col. 3, lines 50-62. A subscriber terminal 46, which is suggested to comprise a portable terminal such as a PDA, cellular phone or laptop computer, requests information on the position of one of the mobile terminals and in response thereto, receives from the database the requested positional data of the mobile terminal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Adachi by providing the administration station with a location database in view of the conventionality of such as shown by Holland in order to provide a history of tracking data of the mobile terminals. The dependent claims are obvious to the skilled artisan in the design of as system for tracking/monitoring mobile assets.

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Applicants have previously argued the failure of the prior art to suggest a first mobile unit requesting and receiving positional data of a second mobile unit wherein each of the first and second mobile units send their respective positional data to a processing station. As is made clear by Adachi, this feature is known. Moreover, the use of a database at a processing station is made obvious in light of the teachings of Holland.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 is contradictory to the independent claim from which it depends. The independent claim sets forth a method for providing the location of the second mobile unit to the first wherein a data package is sent to the first mobile unit and the data package includes the position of the second unit. Claim 12 negates this feature by excluding the first mobile unit from receiving the data package. Thus, claim 12 negates both the provision of the second mobile unit location to the first station as well as negates the provision of transmitting a data package to the first mobile unit comprising the current location of the second unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (703)-306-4156. The examiner can normally be reached on Mon-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (703)-306-4171. The fax phone numbers for the


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organization where this application or proceeding is assigned are (703)-872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Gregory C. Issing
Primary Examiner
Art Unit 3662



Gci

May 13, 2003